

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAIL DATE CANCELLED

In re application of : Confirmation No. 5534
Masayoshi HIROSE et al. : Docket No. 2001-0386
Serial No. 09/821,046 : Group Art Unit 3723
Filed March 30, 2001 :

POLISHING APPARATUS INCLUDING
TURNTABLE WITH POLISHING SURFACE
OF DIFFERENT HEIGHTS

PETITION UNDER 37 CFR 1.137(b) TO REVIVE ABANDONED APPLICATION

Assistant Commissioner for Patents,
Washington, D.C.

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Sir:

Applicants in the above-referenced reissue application hereby petition to revive the application. That is, in this application a Notice to File Missing Parts of Reissue Application was issued on June 15, 2001. Because of an error in the Notice, Applicants submitted a response to the Notice pointing out such error, expecting the remailing of a corrected Notice to File Missing Parts. However, such corrected Notice to File Missing Parts has not yet been issued. Subsequently a Notice of Incomplete Reply in reissue has been issued, indicating that the status of the present application, most likely, is that it has been abandoned because the statutory period for response has passed from the original Notice to File Missing Parts. While Applicants respectfully believe and submit that a corrected Notice to File Missing Parts should have been issued in due course, and that thus the present application does not stand as abandoned, this petition is being filed to protect Applicants' rights at this time. A simultaneous Request for Refund requesting a refund of this petition will be submitted to address this point.

In the meantime, enclosed herewith please find the required reply, along with the Notice of Incomplete Reply as well as a copy of the Notice to File Missing Parts.

Furthermore, accompanying this petition please find the petition fee of \$1,240.00.

The entire delay in filing the required reply from the due date for the reply until the filing of this grantable will petition was unintentional.

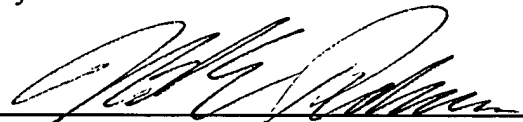
No Terminal Disclaimer is required under 1.137(d).

An early and favorable decision on this petition is respectfully requested.

Respectfully submitted,

Masayoshi HIROSE et al.

By:



Nils E. Pedersen

Registration No. 33,145

Attorney for Applicants

NEP/krl

Washington, D.C. 20006-1021

Telephone (202) 721-8200

Facsimile (202) 721-8250

February 28, 2002

THE COMMISSIONER IS AUTHORIZED
TO CHANGE ANY DEFICIENCY IN THE
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ACCOUNT NO. 23-0975

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Confirmation No. 5534
Masayoshi HIROSE et al. : Docket No. 2001-0386
Serial No. 09/821,046 : Group Art Unit 3723
Filed March 30, 2001 :

POLISHING APPARATUS INCLUDING
TURNTABLE WITH POLISHING SURFACE
OF DIFFERENT HEIGHTS

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Assistant Commissioner for Patents,
Washington, D.C.

Sir:

Pursuant to the Response to Notice to File Missing Parts of Reissue Application dated August 15, 2001, attached hereto please find the executed Declaration and Power of Attorney form. A copy of the Notice is also attached.

The fee of \$130.00 also accompanies this response.

Respectfully submitted,

Masayoshi HIROSE et al.

By: _____

Nils E. Pedersen
Registration No. 33,145
Attorney for Applicants

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FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

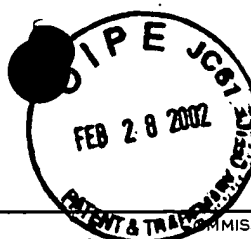
NEP/krl
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February 28, 2002

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov



APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/821,046	03/30/2001	Masayoshi Hirose	2001-0386

CONFIRMATION NO. 5534

000513
WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N. W.
SUITE 800
WASHINGTON, DC 20006-1021

FORMALITIES LETTER



OC00000007371134

Date Mailed: 01/28/2002

NOTICE OF INCOMPLETE REPLY (REISSUE)

03/04/2002 TBESHAH1 00000171 230975 09821046

Filing Date Granted

01 FC:105 130.00 DP

The U.S. Patent and Trademark Office has received your reply on 08/15/2001 to the Notice to File Missing Parts (Notice) mailed 06/15/2001 and it has been entered into the reissue application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

The required items noted below SHOULD be filed along with any items required above. The filing date of this reissue application will be the date of receipt of the items required above.

- The oath or declaration is unsigned.
- Late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 was not received.
- **The balance due by applicant is \$ 130.**

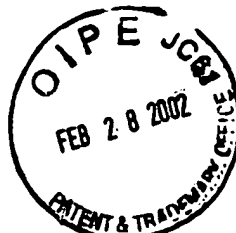
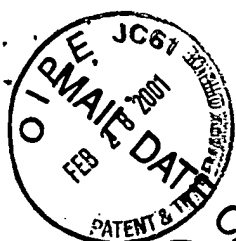
A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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WENDEROTH, LIND & PONACK



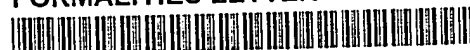
UNITED STATES PATENT AND TRADEMARK OFFICE

 COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/821,046	03/30/2001	Masayoshi Hirose	2001-0386

CONFIRMATION NO. 5534

FORMALITIES LETTER



OC000000006187689

 000513
 WENDEROTH, LIND & PONACK, L.L.P.
 2033 K STREET N. W.
 SUITE 800
 WASHINGTON, DC 20006-1021

Date Mailed: 06/15/2001

NOTICE TO FILE MISSING PARTS OF REISSUE APPLICATION

Filing Date Granted

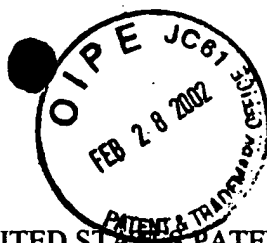
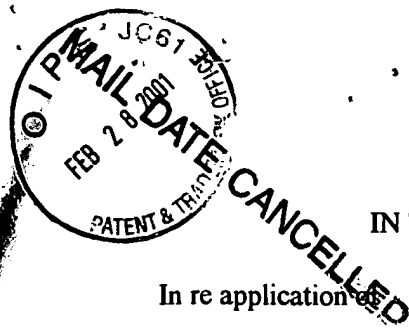
An application number and filing date have been accorded to this reissue application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- Total additional claim fee(s) for this application is \$18.
 - \$18 for 6 total claims over 20.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 148.

*A copy of this notice **MUST** be returned with the reply.*

 Customer Service Center
 Initial Patent Examination Division (703) 308-1202
 PART 1 - ATTORNEY/APPLICANT COPY

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : **Confirmation No. 5534**
Masayoshi HIROSE et al. : **Atty Docket 2001-0386**
Serial No. 09/821,046 : **Group Art Unit 3723**
Filed March 30, 2001 :

**POLISHING APPARATUS INCLUDING
TURNTABLE WITH POLISHING SURFACE OF
DIFFERENT HEIGHTS**

PATENT OFFICE FEE TRANSMITTAL FORM

Assistant Commissioner for Patents,
Washington, DC 20231

Sir:

Attached hereto is a check in the amount of \$1370.00 to cover Patent Office fees relating to filing the following attached papers:

Late filing of executed Declaration \$130.00

Petition Fee \$1240.00

A duplicate copy of this paper is being submitted for use in the Accounting Division, Office of Finance.

The Commissioner is authorized to charge any deficiency or to credit any overpayment associated with this communication to Deposit Account No. 23-0975, with the EXCEPTION of deficiencies in fees for multiple dependent claims in new applications.

Respectfully submitted,

Masayoshi HIROSE et al.

By

Nils E. Pedersen
Registration No. 33,145
Attorney for Applicants

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

NEP/krl
WENDEROTH, LIND & PONACK, L.L.P.
2033 K St., N.W., Suite 800
Washington, D.C. 20006-1021
Telephone (202) 721-8200
February 28, 2002

[Check No. 49095]
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DECLARATION AND POWER OF ATTORNEY FOR U.S. PATENT APPLICATION

(X) Original () Supplemental () Substitute () PCT () DESIGN

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Title: POLISHING APPARATUS INCLUDING TURNTABLE WITH POLISHING SURFACE OF DIFFERENT HEIGHTS

of which is described and claimed in:

() the attached specification, or

(X) the specification in the reissue application of U.S. Patent 5,888,126 filed March 30, 2001 and with amendments through March 30, 2001;

() the specification in International Application No. , filed , and as amended on (if applicable).

I hereby state that I have reviewed and understand the content of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge my duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim priority benefits under Title 35, United States Code, §119 (and §172 if this application is for a Design) of any application(s) for patent or inventor's certificate listed below and have also identified below any application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

COUNTRY	APPLICATION NO.	DATE OF FILING	PRIORITY CLAIMED
Japan	28722/1995	January 25, 1995	YES
Japan	206594/1995	July 20, 1995	YES

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.	U.S. FILING DATE	STATUS: PATENTED, PENDING, ABANDONED

We believe that original U.S. Patent 5,888,126 to be partly inoperative by reason of our claiming less than we had a right to claim in the patent.


As at least one error which is relied upon to support this reissue application, we believe that we have a right to a claim of the scope according to new claim 22 directed to an apparatus for polishing a semiconductor wafer, the apparatus comprising an abrasive cloth and a top ring, wherein a plurality of portions of the abrasive cloth are individually and independently pressed against the wafer by air pressures. As compared with apparatus claims 1, 3, 4, 5, 6, 13, 19 and 21 of the patent, claim 22 does not require a moving means as recited, for example, in addition to further separate and individual differences between claim 22 and the various independent claims of the patent.

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All errors being corrected in this reissue application, up to the time of the filing of this reissue Declaration, arose without any deceptive intention on the part of the Applicants.

And I hereby appoint Michael R. Davis, Reg. No. 25,134; Matthew M. Jacob, Reg. No. 25,154; Warren M. Cheek, Jr., Reg. No. 33,367; Nils Pedersen, Reg. No. 33,145; Charles R. Watts, Reg. No. 33,142; and Michael S. Huppert, Reg. No. 40,268, who together constitute the firm of WENDEROTH, LIND & PONACK, L.L.P., as well as any other attorneys and agents associated with Customer No. 000513, to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith.

I hereby authorize the U.S. attorneys and agents named herein to accept and follow instructions from WATANABE & HOTTA as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys and myself. In the event of a change in the persons from whom instructions may be taken, the U.S. attorneys named herein will be so notified by me.

<p>Direct Correspondence to Customer No:</p>  <p style="text-align: center; font-size: 1.2em;">000513</p> <p style="text-align: center;">PATENT TRADEMARK OFFICE</p>	<p>Direct Telephone Calls to:</p> <p style="text-align: center;">WENDEROTH, LIND & PONACK, L.L.P. 2033 "K" Street, N.W., Suite 800 Washington, D.C. 20006-1021</p> <p>Phone: (202) 721-8200 Fax: (202) 721-8250</p>
--	---

Full Name of First Inventor	FAMILY NAME HIROSE	FIRST GIVEN NAME Masayoshi	SECOND GIVEN NAME
Residence & Citizenship	CITY Yokohama-shi	STATE OR COUNTRY Japan	COUNTRY OF CITIZENSHIP Japan
Post Office Address	ADDRESS CITY STATE OR COUNTRY ZIP CODE 3207-747, 3-2-3 Shiomidai, Isogo-ku, Yokohama-shi, Kanagawa-ken, Japan		
Full Name of Second Inventor	FAMILY NAME SASAKI	FIRST GIVEN NAME Yoshimi	SECOND GIVEN NAME
Residence & Citizenship	CITY Atsugi-shi	STATE OR COUNTRY Japan	COUNTRY OF CITIZENSHIP Japan
Post Office Address	ADDRESS CITY STATE OR COUNTRY ZIP CODE 596-13 Mita, Atsugi-shi, Kanagawa-ken, Japan		
Full Name of Third Inventor	FAMILY NAME OGATA	FIRST GIVEN NAME Akira	SECOND GIVEN NAME
Residence & Citizenship	CITY Yokohama-shi	STATE OR COUNTRY Japan	COUNTRY OF CITIZENSHIP Japan
Post Office Address	ADDRESS CITY STATE OR COUNTRY ZIP CODE 4-14-31, Nakashirane, Asahi-ku, Yokohama-shi, Kanagawa-ken, Japan		
Full Name of Fourth Inventor	FAMILY NAME ISHIKAWA	FIRST GIVEN NAME Seiji	SECOND GIVEN NAME
Residence & Citizenship	CITY Yokohama-shi	STATE OR COUNTRY Japan	COUNTRY OF CITIZENSHIP Japan
Post Office Address	ADDRESS CITY STATE OR COUNTRY ZIP CODE 2415-108 Naracho, Aoba-ku, Yokohama-shi, Kanagawa-ken, Japan		
Full Name of Fifth Inventor	FAMILY NAME TAKAHASHI	FIRST GIVEN NAME Tamami	SECOND GIVEN NAME

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Residence & Citizenship	CITY Yamato-shi	STATE OR COUNTRY Japan	COUNTRY OF CITIZENSHIP Japan
Post Office Address	ADDRESS 2-7-27-101 Yamatohigashi, Yamato-shi, Kanagawa-ken, Japan	CITY	STATE OR COUNTRY ZIP CODE
Full Name of Sixth Inventor	FAMILY NAME HIYAMA	FIRST GIVEN NAME Hirokuni	SECOND GIVEN NAME
Residence & Citizenship	CITY Tokyo	STATE OR COUNTRY Japan	COUNTRY OF CITIZENSHIP Japan
Post Office Address	ADDRESS 3-31-1 Kyodo, Setagaya-ku, Tokyo, Japan	CITY	STATE OR COUNTRY ZIP CODE
Full Name of Seventh Inventor	FAMILY NAME WADA	FIRST GIVEN NAME Yutaka	SECOND GIVEN NAME
Residence & Citizenship	CITY Yokohama-shi	STATE OR COUNTRY Japan	COUNTRY OF CITIZENSHIP Japan
Post Office Address	ADDRESS 3204-446, 3-2-3 Shiomidai, Isogo-ku, Yokohama-shi, Kanagawa-ken, Japan	CITY	STATE OR COUNTRY ZIP CODE

I further declare that all statements made herein of my own knowledge are true, and that all statements on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

1st Inventor Masayoshi Hirose Date May 21, 2001
Masayoshi HIROSE
2nd Inventor Yoshimi Sasaki Date May 21, 2001
Yoshimi SASAKI
3rd Inventor Akira Ogata Date May 21, 2001
Akira OGATA
4th Inventor Seiji Ushikawa Date May 21, 2001
Seiji ISHIKAWA
5th Inventor Tamami Takahashi Date May 21, 2001
Tamami TAKAHASHI
6th Inventor Hirokuni HiYama Date May 21, 2001
Hirokuni HIYAMA
7th Inventor Yutaka Wada Date May 21, 2001
Yutaka WADA

The above application may be more particularly identified as follows:

U.S. Application Serial No. NEW Filing Date March 30, 2001

Applicant Reference Number GEB240-US-Reissue Atty Docket No. 2001-0386

Title of Invention POLISHING APPARATUS INCLUDING TURNTABLE WITH POLISHING SURFACE OF DIFFERENT HEIGHTS

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